

**LISTING OF THE CLAIMS:**

Claims 1-26 (Cancelled)

26. (New) A method of handling an error in delivery of a message of a multimedia messaging service (MMS) through a wireless network to a wireless telephone, the method comprising steps of:

receiving a message notification via the wireless network, indicating a MMS message for the wireless telephone is available in a multimedia messaging service center (MMSC);

in response to the notification, initiating a first attempt to obtain delivery of the MMS message for the wireless telephone from the MMSC through the wireless network;

upon a failure of the first attempt, obtaining an error code corresponding to a type of error that caused the failure of the first attempt to obtain delivery of the MMS message;

classifying the failure of the first attempt to obtain delivery of the MMS message as an applicable one of permanent and temporal, based on the error code;

upon classification of the failure of the first attempt as permanent, abandoning attempting to obtain delivery of the MMS message for the wireless telephone through the wireless network; and

upon classification of the failure of the first attempt as temporal;

(a) automatically waiting a time period, and

(b) after waiting for the time period, automatically initiating a second attempt to obtain delivery of the MMS message for the wireless telephone through the wireless network.

27. (New) The method of claim 26, wherein the step of obtaining an error code comprises receiving the error code corresponding to the type of error that caused the failure from the MMSC through the wireless network.

28. (New) The method of claim 26, wherein the step of obtaining an error code comprises:

detecting the failure of the first attempt to obtain delivery of the MMS message, at the wireless telephone;

determining the type of the error that caused the failure of the first attempt; and

generating the error code corresponding to the determined type of error at the wireless telephone.

29. (New) The method of claim 26, further comprising steps of:

upon a failure of the second attempt, automatically waiting another time period; and

after waiting for the other time period, automatically initiating a third attempt to obtain delivery of the MMS message for the wireless telephone through the wireless network.

30. (New) The method of claim 29, wherein the other time period of waiting upon failure of the second attempt is longer than the time period of waiting upon failure of the first attempt.

31. (New) The method of claim 26, further comprising steps of:

successfully obtaining delivery of another MMS message for the wireless telephone from the MMSC through the wireless network during the time period of waiting; and

terminating the time period of waiting responsive to successfully obtaining the other message, so as to immediately implement the step of automatically initiating the second attempt to obtain delivery of the MMS message for the wireless telephone through the wireless network.

32. (New) The method of claim 26, further comprising steps of:

successfully sending another MMS message from the wireless telephone to the MMSC through the wireless network during the time period of waiting; and

terminating the time period of waiting responsive to successfully sending the other message, so as to immediately implement the step of automatically initiating the second attempt to obtain delivery of the MMS message for the wireless telephone through the wireless network.

33. (New) The method of claim 26, wherein the step of receiving the message notification comprises receiving a short message service (SMS) message containing the message notification via the wireless network, from a short message service center (SMSC).

34. (New) The wireless telephone programmed to implement the method of claim 26.

35. (New) A method of handling an error in delivery of a message of a multimedia messaging service (MMS) through a wireless network to a wireless telephone, the method comprising steps of:

receiving a message notification via the wireless network, indicating a MMS message for the wireless telephone is available in a multimedia messaging service center (MMSC);

in response to the notification, initiating sequence of one or more attempts to obtain delivery of the MMS message for the wireless telephone from the MMSC through the wireless network;

upon a failure of a first of the attempts, obtaining an error code corresponding to a type of error that caused the failure of the first attempt to obtain delivery of the MMS message;

classifying the failure of the first attempt to obtain delivery of the MMS message as an applicable one of permanent and temporal, based on the error code;

upon classification of the failure of the first attempt as permanent, abandoning further attempts to obtain delivery of the MMS message for the wireless telephone through the wireless network; and

upon classification of the failure of the first attempt as temporal, continuing the sequence by initiating one or more retry attempts to obtain delivery of the MMS message through the wireless network, wherein for each retry attempt, the method includes:

- (a) automatically waiting a time period following a preceding attempt to obtain delivery, and
- (b) after waiting for the time period, automatically initiating a retry attempt to obtain delivery of the MMS message for the wireless telephone through the wireless network.

36. (New) The method of claim 35, wherein the step of obtaining an error code comprises receiving the error code corresponding to the type of error that caused the failure from the MMSC through the wireless network.

37. (New) The method of claim 35, wherein the step of obtaining an error code comprises:

detecting the failure of the first attempt to obtain delivery of the MMS message, at the wireless telephone;

determining the type of the error that caused the failure of the first attempt; and

generating the error code corresponding to the determined type of error at the wireless telephone.

38. (New) The method of claim 35, wherein the time period for waiting following a preceding attempt to obtain delivery increases for each successive retry attempt in the sequence.

39. (New) The method of claim 35, further comprising:

counting the number of attempts performed; and

when the failure of the first attempt has been classified as temporal, abandoning further retry attempts to obtain delivery of the MMS message for the wireless telephone through the wireless network when the number of attempts reaches a set maximum number of attempts.

40. (New) The method of claim 39, wherein the maximum number of attempts is set as a function of one or more operational characteristics of the wireless network.

41. (New) The method of claim 39, wherein the maximum number of attempts is set as a function of load on or capacity of the wireless network.

42. (New) The method of claim 35, further comprising steps of:  
successfully obtaining delivery of another MMS message for the wireless telephone from the MMSC through the wireless network during a time period of waiting; and  
terminating the waiting responsive to successfully obtaining the other message, so as to immediately implement the step of automatically initiating a retry attempt to obtain delivery of the MMS message for the wireless telephone through the wireless network.

43. (New) The method of claim 35, further comprising steps of:  
successfully sending another MMS message from the wireless telephone to the MMSC through the wireless network during a time period of waiting;  
terminating the waiting responsive to successfully sending the other message, so as to immediately implement the step of automatically initiating a retry attempt to obtain delivery of the MMS message for the wireless telephone through the wireless network.

44. (New) The method of claim 35, wherein the step of receiving the message notification comprises receiving a short message service (SMS) message containing the message notification via the wireless network, from a short message service center (SMSC).

45. (New) The wireless telephone programmed to implement the method of claim 35.